


ANALYSIS

This ordinance amends Title 15 – Vehicles and Traffic of the Los Angeles County Code, relating to the restriction of parking vehicles upon certain County streets for the primary purpose of advertising such vehicles for sale, to add all County parks as subject to this restriction.

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SJS:ss

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ORDINANCE NO. _____

An ordinance amending Title 15 – Vehicles and Traffic of the Los Angeles County Code, relating to the restriction of parking vehicles upon certain County streets for the primary purpose of advertising such vehicles for sale, to add all County parks as subject to this restriction.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 15.64.340 is hereby amended to read as follows:

15.64.340 Legislative fFindings.

A. The County of Los Angeles has experienced a proliferation of used vehicles being parked or left idle on public streets and in parking lots of County park facilities for the purpose of advertising or displaying such vehicles for sale, resulting in a negative impact on the County, its residents, and businesses.

B. The California courts have ruled that a city or county may reasonably regulate the time, place, and manner in which its public streets and its lands are used for the sale of vehicles.

C. The California legislature enacted ~~S~~section 22651.9 of the California Vehicle Code ("CVC") authorizing cities and counties to remove and impound vehicles with "for sale" signs from designated streets or public lands.

D. CVC ~~S~~section 22651.9(a) ~~of the CVC~~ authorizes the removal and impoundment of vehicles when all of the following requirements are met:

1. Because of a sign or placard on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to advertise to the public the private sale of that vehicle;

2. Within the past 30 days, the vehicle is known to have been previously issued a notice of parking violation, under local ordinance, which was accompanied by a notice containing all of the following:

a) A warning that an additional parking violation may result in the impoundment of the vehicle;

b) A warning that the vehicle may be impounded pursuant to CVC Section 22651.9, even if moved to another street or location listed in Section 15.64.341 so long as the signs or placards offering the vehicle for sale remain on the vehicle;

c) A listing of the streets or public lands subject to the regulation or ordinance adopted pursuant to CVC Section 22651.9(a)(4);

3. The notice of parking violation was issued at least 24 hours prior to the removal of the vehicle; and

4. The local authority of the city, county, or city and county has, by resolution or ordinance, authorized the removal of vehicles pursuant to CVC Section 22651.9 from the street or public lands on which the vehicle is located.

E. The California Department of Motor Vehicles ("DMV") conducted a survey of its eight DMV Investigation Offices ("DMV Survey") throughout Los Angeles County in

August 2010 to document the issues its investigators were seeing in the field related to vehicles parked for purposes of sale on certain streets in the County.

F. The data gathered from the DMV Survey substantiates the continuing and pervasive problem unlicensed vehicle sales pose to the community, and serves as a sound factual basis for the need to adopt an ordinance to regulate the sales of cars on the public rights-of-way.

G. The DMV Survey noted significant health and safety issues, dangerous traffic conditions, and additional issues and concerns related to vehicles parked for purposes of sale on certain streets in the County.

H. In 2015, following complaints of vehicles being offered for sale at County park facilities by unlicensed individuals, the DMV conducted several operations to investigate unlicensed auto dealer activity. This activity included loitering by unlicensed auto dealers who offer for sale vehicles parked and displayed at parking lots of County park facilities. The DMV found that unlicensed activity by new and previously identified unlicensed auto dealers has shifted from major thoroughfares and streets to adjacent County park facilities due to changes in parking regulations and ordinance restrictions enacted by government entities such as the City of Los Angeles.

HI. Based on the DMV Survey results, and subsequent investigation, activity reported by law enforcement, and community complaints, the Board of Supervisors seeks to impose reasonable restrictions by prohibiting the parking of vehicles for the primary purpose of advertising or displaying such vehicles for sale upon certain streets and at County park facilities within the unincorporated areas of the County.

IJ. The Board of Supervisors finds and determines that the restrictions imposed by this ordinance upon the parking of vehicles upon the designated streets and at County parks for the purpose of advertising or displaying such vehicles for sale are necessary to protect the general health, safety, and welfare of the community, and specifically finds:

1. The unrestricted parking of vehicles for such commercial purposes causes passing motorists to slow down or stop to obtain information on the signage on the parked vehicles, causes motorists to illegally "double park" next to such vehicles and get out of their cars to examine the vehicles thereby blocking traffic, and encourages jaywalking across streets for prospective buyers to inspect the vehicles, thereby creating dangerous traffic conditions for other motorists and pedestrians alike in the County;

2. The unrestricted parking of vehicles for such commercial purposes increases the potential for vehicle burglaries and other crimes, stolen vehicle sales, other unlicensed/uninsured/unregulated vehicle activities, attracts illegal street vendors, detrimentally impacts the image of the County, and creates an increased need for police service in the areas of the County in which the parking for sale occurs;

3. The unrestricted parking of vehicles for such commercial purposes has brought about health hazards to the community due to activities reported by the DMV such as drug and alcohol use, urination in public, and the dumping of trash in the surrounding community, which creates a health hazard and negatively impacts property values;

4. The unrestricted parking of vehicles for such commercial purposes adversely affects the public welfare as it attracts other illegal activity such as the sale of vehicles to innocent purchasers with mechanical and/or ownership document problems causing harm to the citizens of the County;

5. The unrestricted parking of vehicles for such commercial purposes detrimentally impacts existing businesses and residences by reducing and/or eliminating the number of parking spaces on public streets which are available to business patrons, residents, occupants, and guests in the vicinity of such parked vehicles;

6. The unrestricted parking of vehicles for such commercial purposes detrimentally impacts the community by reducing and/or eliminating the number of available parking spaces in parking lots of County park facilities for park visitors;

67. The unrestricted parking of vehicles for such commercial purposes is being done by individuals who are conducting business without a sState dealers' license, thereby undercutting duly-licensed vehicle sales businesses that are in compliance with sState law;

78. The unrestricted parking of vehicles for such commercial purposes negatively impacts the County's infrastructure by requiring additional street and parking lot maintenance and repair by the County Departments of Public Works and Parks and Recreation, as well as additional monitoring by the County Sheriff's Department without the receipt of any County revenue; ~~and~~

89. As the activity is most prevalent on the more visible, popular, and heavily traveled streets which attract the greatest amount of potential buyers, it is necessary to make restrictions against such parking potentially applicable to all major and secondary highways in order to address possible migration of the activity to various other locations on such highways, as well as to impose such restrictions on other enumerated highway segments; and

10. As the activity has migrated to other visible and popular areas including without limitation County park facilities which attract potential buyers, it is necessary to make restrictions against such parking applicable to all County park facilities.

JK. The purpose of this ordinance is to narrowly restrict the parking of vehicles for sale at the locations identified in Section 15.64.341 in order to protect the health and safety of the public in general, the interests of duly-licensed vehicle dealers, and the interests of businesses and residents located in the vicinity of these streets, and the interests of visitors of County park facilities.

SECTION 2. Section 15.64.341 is hereby amended to read as follows:

15.64.341 Displaying Vehicle for Sale—Prohibited on Certain County Streets and County Park Facilities.

No person shall park or leave standing any motor vehicle with a sign or placard or other writing on such vehicle at any of the locations listed below which makes it appear that the primary purpose for parking such vehicle at that location is to advertise to the public the private sale of such vehicle:

...

C. Any County park facility, which is posted with signage reflecting the prohibition, based upon a determination by the Department of Parks and Recreation, the Sheriff, or the DMV, that one or more of the conditions described in subsection 1.8 of Section 15.64.340 exist at such location.

SECTION 3. Section 15.64.342 is hereby amended to read as follows:

15.64.342 Notice of ~~p~~Parking ~~v~~Violation/~~a~~Authorization for ~~r~~Removal of a ~~v~~Vehicle ~~a~~Advertising the ~~p~~Private ~~s~~Sale of that ~~v~~Vehicle.

A vehicle found to be in violation of Section 15.64.341 shall be issued a notice of parking violation. Pursuant to CVC ~~S~~section 22651.9(a)(4)-of-the-CVC, any peace officer, as defined in Chapter 4.5 (commencing with ~~S~~section 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations of the County, may remove a vehicle located within the unincorporated area of the County which is in violation of this section, if all of the following requirements are satisfied:

1. Because of a sign, ~~or~~ placard, or other writing on the vehicle, it appears that the primary purpose of parking the vehicle at that location listed in Section 15.64.341 is to advertise to the public the private sale of that vehicle;
2. Within the past 30 days, the vehicle is known to have been previously issued a notice of parking violation for violating Section 15.64.341, which was accompanied by a notice containing all of the following:

- a) A warning that an additional parking violation may result in the impoundment of the vehicle;
 - b) A warning that the vehicle may be impounded pursuant to CVC ~~Section 22651.9 of the CVC~~, even if moved to another street or location listed in Section 15.64.341 so long as the signs or placards offering the vehicle for sale remain on the vehicle; and
 - c) A listing of the streets and public lands contained in Section 15.64.341.
3. The notice of parking violation was issued at least 24 hours prior to removal of the vehicle.

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